

REMARKS

Claims 1-34 are pending in the application. No amendments, cancellations, or additions to the claims have been made by this Response. No new matter has been added.

GB 1 219 089

As described at page 2, lines 37-40, "ribs 21 are provided on the exterior surface of the mouthpiece 15 so that it can be screwed tight home into the remainder of the adaptor 10." There is no teaching or suggestion in GB 1 219 089 that the ribs would be expected to serve to create a void space between the outer surface of the mouthpiece and the oral cavity of the patient. Without such an explicit teaching, one of skill in the art would expect the oral cavity of the patient to make contact with the outer surface of the mouthpiece beyond the ribs such that no void space is created. For at least this reason, claims 1 and 27 and the claims that depend therefrom are patentable over GB 1 219 089.

WO 93/04718

As shown in the figures and described in the abstract, the medical device of WO93/04718 does not teach or suggest an oral inhaler wherein an outer surface of the mouthpiece contains at least one longitudinally-extending disuniformity such that when the patient orally engages the mouthpiece at least one void space is created between the outer surface of the mouthpiece and the oral cavity of the patient so as to provide an airflow channel through the at least one void space to facilitate intake of the at least one medicament by the patient as recited in claims 1 and 27. For at least this reason, claims 1 and 27 and the claims that depend therefrom are patentable over WO 93/04718.

EP 0 547 429

A review of the figures of this patent, which is in German, show no devices wherein an outer surface of the mouthpiece contains at least one longitudinally-extending disuniformity such that when the patient orally engages the mouthpiece at least one void space is created between the outer surface of the mouthpiece and the oral cavity of the patient so as to provide an airflow channel through the at least one

void space to facilitate intake of the at least one medicament by the patient as recited in claims 1 and 27. For at least this reason, claims 1 and 27 and the claims that depend therefrom are patentable over EP 0 547 429.

WO 94/11044

At page 26, lines 27-32, WO 94/11044 describes the air entrance holes 19 as follows: "The embodiment of dispenser 10 shown in Figures 1 through 12 includes four circumferentially spaced cylindrical shaped air entrance holes 19 having axes generally transverse to or normal to the axis of the medicament delivery passageway 16." (Emphasis added). This reference does not disclose or suggest an oral inhaler wherein an outer surface of the mouthpiece contains at least one longitudinally-extending disuniformity such that when the patient orally engages the mouthpiece at least one void space is created between the outer surface of the mouthpiece and the oral cavity of the patient so as to provide an airflow channel through the at least one void space to facilitate intake of the at least one medicament by the patient as recited in claims 1 and 27. For at least this reason, claims 1 and 27 and the claims that depend therefrom are patentable over WO 94/11044.

WO 99/65551

As described at page 20, Figure 5 illustrates a two-position mouthpiece allowing open-mouth and closed mouth technique with an otherwise conventional MDI. In this embodiment, a first closed-mouth position, similar to the mouth position of a conventional MDI, is illustrated at 129. In addition to the closed-mouth position, the invention also provides an open-mouth position 139, whereby the patient engages his or her oral cavity on the outer surface of mouthpiece 139. As can be seen in Figure 5, the outer surface of mouthpiece 129 or 139 does not contain at least one longitudinally-extending disuniformity such that when the patient orally engages the mouthpiece at least one void space is created between the outer surface of the mouthpiece and the oral cavity of the patient so as to provide an airflow channel through the at least one void space to facilitate intake of the at least one medicament by the patient as recited in claims 1 and 27. For at least this reason, claims 1 and 27 and the claims that depend therefrom are patentable over WO 99/65551.


Conclusion

In view of the remarks made above, Applicant respectfully submits that the application is in condition for allowance, and such allowance is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge any fees or credit any overpayment, particularly including any fees required under 37 CFR Sect 1.16 or 1.17, and any necessary extension of time fees, to deposit Account No. 07-1392.

The Examiner is invited to contact the undersigned at (919) 483-9024, to discuss this case, if desired.

Respectfully submitted,


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